

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

Alonzo Austin,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
Global Connection,)	3:07-CV-042-MEF
)	
Defendant.)	

**DEFENDANT GLOBAL CONNECTION'S RESPONSE TO COURT'S ORDER TO
SHOW CAUSE WHY PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION FOR
ORDER COMPELLING DISCLOSURE SHOULD NOT BE GRANTED**

COMES NOW, Defendant Global Connection and responds to this honorable Court's Show Cause Order as follows:

1.

The Court granted an extension on the exchange of disclosures required by Federal Rule of Civil Procedure 26 to June 18, 2007.

2.

Counsel for Defendant was attempting to ascertain whether or not a policy of insurance was in force and covered the claims of the Plaintiff in this action and had not received a reply from Defendant by close of business on June 18, 2007.

3.

Counsel for Defendant dispatched to Plaintiff a complete listing of the disclosures required by Federal Rule of Civil Procedure 26 on June 20, 2007 and it was delivered to the Plaintiff's residence on June 21, 2007 at 2:24 PM. See attached Federal Express Tracking Detail made Exhibit "A" to Defendant's Response. Also see attached Rule 26 disclosures made Exhibit "B" to Defendant's Response.

4.

It is obvious that Plaintiff received Defendant's disclosures as he sought leave to file an amended complaint based on information regarding the correct party names provided on June 29, 2007.

5.

Counsel for Defendant is unaware of the specific items referenced in Plaintiff's Motion and does not believe they are covered by Federal Rule of Civil Procedure 26.

6.

Defendant notes that Plaintiff has available to it all available discovery mechanisms if there are specific documents that Plaintiff can identify with particularity that Defendant can then determine if it has such documents and provide them as necessary.

7.

Defendant further notes that Federal Rule of Civil Procedure 33 et seq. provides numerous mechanisms to discover further information related to claims of parties and that Plaintiff has failed to date to serve a single interrogatory or request for production since initiating this action seeking discovery of information relevant to the claims in his original complaint or amended complaint.

8.

Defendant also has sent today, July 16, 2007, an amended disclosure that addresses the only matter left open by the original disclosure, the existence of a policy of insurance covering Plaintiff's claims. See attached Exhibit "C" to Defendant's Response.

9.

Therefore, since Defendant has fully complied in its disclosures to Plaintiff required under Federal Rule of Civil Procedure 26 and that Plaintiff has failed to specifically identify the additional documents he seeks with sufficient detail that Defendant can respond and that Plaintiff has also failed to seek these documents through the discovery procedures available to him under the Federal Rules of Civil Procedure, Defendant respectfully requests that Plaintiff's Motion be denied and that the Court direct Plaintiff to use proper discovery procedures if there are documents and/or information he seeks that are not contained within Defendant's full disclosure of all required information under Federal Rule of Civil Procedure 26.

This 15th day of July, 2007.

MCKOON, THOMAS & MCKOON

/s/ Joshua R. McKoon

By: _____

Joshua R. McKoon
State Bar No. MCK057

925 Broad Street
P.O. Box 3220
Phenix City, Alabama 36868-3220
334.297.2300

CERTIFICATE OF SERVICE

Counsel for the Defendant has this day served the foregoing Response on the Plaintiff via First Class Mail at the following address:

Alonzo Austin
1321 Oliver Carus Road
Tuskegee, Alabama 36083

This 16th day of July, 2007.

/s/Joshua R. McKoon

Counsel for Defendant

—

This tracking update has been requested by:

Name: Josh McKoon

E-mail: JRM2016@yahoo.com

—

Our records indicate that the following shipment has been delivered:

Tracking number:	798200707692
Reference:	Global Connection
Ship (P/U) date:	Jun 20, 2007
Delivery date:	Jun 21, 2007 2:24 PM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Priority Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information
Josh McKoon
925 Broad Street
Phenix City
AL
US
36867

Recipient Information
Alonzo Austin
1321 Oliver Carlis Road
Tuskegee
AL
US
36083

Special handling/Services:
Deliver Weekday
Residential Delivery

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 2:27 PM CDT on 06/21/2007.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above,
or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ALONZO AUSTIN,)	
)	Case Number:
Plaintiff)	
)	3:07-CV-042-MEF
v.)	
)	
GLOBAL CONNECTION,)	
)	
Defendant)	

**DEFENDANT'S REQUIRED DISCLOSURES TO PLAINTIFF PURSUANT TO
RULE 26(a)(1)**

Comes Now, Defendant and provides required disclosures to Plaintiff pursuant to Federal Rule of Civil Procedure 26(a) as follows:

A.

The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response.

Sam Abdallah. 3957 Pleasantdale Road. Atlanta, Georgia 30340. 706-442-9130. Principal officer of Global Connection who has knowledge of operations relevant to the claims in this litigation.

Alonzo Austin. 1321 Oliver Carlis Road. Tuskegee, Alabama 36083. 334-727-5746. Plaintiff with discoverable information on the claims contained in his complaint.

Defendant reserves the right to further supplement this response as new witnesses are identified.

B.

A copy of, or a description by category and location of, all documents, data compilations and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses unless solely for impeachment.

Response.

Defendant has billing documents which Plaintiff already has copies of which describe in detail the services offered and the terms of agreement between the parties related to telephone service provided that is the subject of this action.

Defendant reserves the right to supplement its response as discovery progresses.

C.

A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Response.

None at this time. Defendant reserves the right to supplement this response if it seeks attorneys fees from the Plaintiff at a later time.

D.

For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response.

Counsel for Defendant has requested any insurance policies to furnish to the Plaintiff and is awaiting receipt of same. As soon as said policies are received, they will be forwarded to Plaintiff. Defendant reserves the right to supplement this response as needed.

This 18th day of June, 2007.

MCKOON, THOMAS & MCKOON

/s/Joshua R. McKoon

By: _____
Joshua R. McKoon
State Bar No. MCK057

925 Broad Street
Post Office Box 3220
Phenix City, Alabama 36868-3220
334.297.2300
facsimile 334.297.2777

Counsel for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ALONZO AUSTIN,)	
)	Case Number:
Plaintiff)	
)	3:07-CV-042-MEF
v.)	
)	
GLOBAL CONNECTION,)	
)	
Defendant)	

DEFENDANT'S AMENDED REQUIRED DISCLOSURES TO PLAINTIFF
PURSUANT TO RULE 26(a)(1)

Comes Now, Defendant and provides required disclosures to Plaintiff pursuant to Federal Rule of Civil Procedure 26(a) as follows:

A.

The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response.

Sam Abdallah. 3957 Pleasantdale Road. Atlanta, Georgia 30340. 706-442-9130. Principal officer of Global Connection who has knowledge of operations relevant to the claims in this litigation.

Alonzo Austin. 1321 Oliver Carlis Road. Tuskegee, Alabama 36083. 334-727-5746. Plaintiff with discoverable information on the claims contained in his complaint.

Defendant reserves the right to further supplement this response as new witnesses are identified.

B.

A copy of, or a description by category and location of, all documents, data compilations and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses unless solely for impeachment.

Response.

Defendant has billing documents which Plaintiff already has copies of which describe in detail the services offered and the terms of agreement between the parties related to telephone service provided that is the subject of this action.

Defendant reserves the right to supplement its response as discovery progresses.

C.

A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Response.

None at this time. Defendant reserves the right to supplement this response if it seeks attorneys fees from the Plaintiff at a later time.

D.

For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response.

There are no such policies of insurance according to the Defendant.

This 16th day of July, 2007.

MCKOON, THOMAS & MCKOON

/s/Joshua R. McKoon

By: _____
Joshua R. McKoon
State Bar No. MCK057

925 Broad Street
Post Office Box 3220
Phenix City, Alabama 36868-3220

334.297.2300

facsimile 334.297.2777

Counsel for Defendant

CERTIFICATE OF SERVICE

Counsel for the Defendant has this day served the foregoing Answer on the Plaintiff via First Class Mail at the following address:

Alonzo Austin
1321 Oliver Carus Road
Tuskegee, Alabama 36083

This 16th day of July, 2007.

/s/Joshua R. McKoon

Counsel for Defendant